

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SHURLAND SINGH,	:	CIVIL ACTION NO. 1:05-CV-1137
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
ALBERTO GONZALES, et al.,	:	
	:	
Respondents	:	

ORDER

AND NOW, this 8th day of June, 2005, upon consideration of the petition for writ of habeas corpus (Doc. 1), in which petitioner seeks release from custody pending removal from the United States, see Zadvydas v. Davis, 533 U.S. 678 (2001), and it appearing that petitioner is confined in Berks County Prison, within the Eastern District of Pennsylvania, see 28 U.S.C. § 118, it is hereby ORDERED that:

1. The petition for writ of habeas corpus (Doc. 1) is DISMISSED without prejudice. See Rumsfeld v. Padilla, 124 S. Ct. 2711, 2722-23 (2004) (stating that only courts within the “district of confinement” may issue a writ of habeas corpus directing immediate release); see also 28 U.S.C. § 2243 (providing for summary dismissal of habeas petitions); R. GOVERNING § 2254 CASES R. 1(b), 4 (same).¹

¹ Based on the administrative difficulties inherent in judicial transfers and the nascency of these proceedings (commenced on June 6, 2005), the court declines to transfer the instant petition to the United States District Court for the Eastern District of Pennsylvania in favor of allowing petitioner to re-file the case in that district in accordance with the local procedural rules. See 28 U.S.C. § 1631 (permitting district court to transfer case to district “in which the action . . . could have been brought” if transfer is “in the interest of justice”). This court need not and does not address whether recent amendments to 8 U.S.C. § 1252 affect the jurisdiction of district courts over petitions for writ of habeas corpus seeking release from custody pending removal. See Real ID Act of 2005, Pub. L. No. 109- 13, § 106, 119 Stat. 231, 310-11.

2. The Clerk of Court is directed to forward a copy of this order to petitioner. See R. GOVERNING § 2254 CASES R. 1(b), 4 (stating that, upon summarily dismissing a petition, “the judge shall . . . cause the petitioner to be notified”).
3. The Clerk of Court is directed to cause a copy of the petition for writ of habeas corpus (Doc. 1) and this order to be served upon respondents by certified mail. See R. GOVERNING § 2254 CASES R. 1(b), 4 (“In every case a copy of the petition and any order shall be served by certified mail on the respondent and the attorney general of the state involved.”).
4. The motion for leave to proceed in forma pauperis (Doc. 2) is DENIED as moot.
5. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge